

Regulating sale or transport of certain desert plants and creating a penalty

SB 970 by Shapleigh (Puente)

DIGEST:	<p>SB 970 would have prohibited the sale, offer of sale, or transport of certain desert plants, unless those plants were marked with identification prescribed by the Texas Department of Agriculture (TDA). The bill would have applied to agave, ariocarpus, echinocactus, echinocereus, ferocactus, fouquieria, mammillaria, opuntia, and yucca.</p> <p>A person growing or harvesting a desert plant for sale would have had to register with TDA and provide a statement verifying that the plant either would be harvested from the person's property or from the property of someone who had granted the seller authority to harvest plants from his or her land. Documentation would have been required for each sale involving at least 25 desert plants. TDA could have charged a documentation fee.</p> <p>It would have been an offense for a person to advertise, sell, or offer for sale plants that were not marked clearly and distinctly. The offense would have been punishable by a fine of up to \$1,000, 180 days in jail, or both. TDA could have issued and enforced an order to stop the sale of unmarked desert plants. and could have seized, with or without process, unmarked plants intended for transfer outside the state.</p>
GOVERNOR'S REASON FOR VETO:	<p>"Senate Bill No. 970 would establish new fees and regulations for those who produce and harvest various cactus plants. As a result, the practice of xeriscaping would face artificial barriers in the marketplace at a time when government should be encouraging efforts to conserve water. Increasing administrative costs on the nursery industry is not an appropriate way to enforce current statutes."</p>
RESPONSE:	<p>Sen. Eliot Shapleigh, the bill's author, said: "The Chihuahua Desert is a fragile ecosystem. Several families of cacti are rare, valuable, and threatened. Gov. Perry's veto will encourage further theft and destruction of golden barrels, rainbows, ocotillo, and other Chihuahua Desert cacti. With droughts across the Southwest, millions of dollars of cacti are rustled to feed the tremendous new demand of xeriscapers. Long ago, Arizona moved boldly to protect its Saguaro and Sonora Desert legacy. Texas needs to do the same for the Chihuahua Desert."</p> <p>Rep. Robert Puente, the House sponsor, said: "SB 970 was an effort to address a valid problem in this state, namely the stripping of both public and private land of desert plants by individuals without permission. This damages the desert ecosystem and costs private landowners large amounts of money. Perhaps the system established by the bill would have some unintended consequences, and I look forward to working with Sen. Shapleigh on a revised bill next session."</p>
NOTES:	<p>SB 970 was analyzed in the May 26 <i>Daily Floor Report</i>.</p>